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EXTRAORDINARY

PART II—Section 3—Sub-section (ii)

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MINISTRY OF INTERNATIONAL TRADE

[Branch Secretariat (Textiles), Bombay]

ORDER

Bombay, the 29th November, 1963

S.O. 3395.—In exercise of the powers conferred by sub-clause (xi) of clause (a) of section 2 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby declares—

- (i) warp knitting machines including Raschael knitting machines worked by power;
 - (ii) embroidery machines, other than sewing type of embroidery machines, worked by power and used for decorating the textile fabrics with designs formed with any type of thread by the help of needles;
 - (iii) lace making machines worked by power and used for production of fabrics of open mesh or net formed by crossing and inter-twisting threads; and
 - (iv) machines worked by power and used for printing of cloth by means of engraved rollers or screens,
- to be essential commodities for the purposes of the said Act.

[No. F. 2(15)/61-Control-I.]

NOTIFICATION

Bombay, the 29th November, 1963

S.O. 3396.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. **Short title and extent.**—(1) This Order may be called the Textiles (Production by Knitting, Embroidery, Lace making and Printing Machines) Control Order, 1963.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

- (a) “embroidery machine” means a machine worked by power and used for decorating the textile fabrics with designs formed by any type of thread by the help of needles, but does not include sewing type of embroidery machine;
- (b) “Form” means a Form appended to this Order;
- (c) “knitting machine” means a warp-knitting machine and includes a machine commonly known as Raschael knitting Machine;

- (d) "lace making machine" means a machine worked by power for the production of fabrics of open mesh or net formed by crossing and intertwining threads;
- (e) "power" has the same meaning as in clause (g) of section 2 of the Factories Act, 1948 (63 of 1948);
- (f) "Printing machine" means a machine worked by power and used for printing of cloth by means of engraved rollers or screens.

Explanation.—For the purpose of this sub-clause "cloth" has the same meaning as in sub-clause (a) of clause 3 of the Cotton Textile Control Order, 1948;

- (g) "Textile Commissioner" means the Textile Commissioner appointed by the Central Government and includes the Joint Textile Commissioner and the Industrial Adviser and ex-officio Joint Textile Commissioner in the office of the Textile Commissioner.

3. Owners of existing embroidery, knitting, lace making, or printing machines to obtain permits.—(1) The owner of every embroidery machine, lace making machine, knitting machine or printing machine which was installed at any time before the commencement of this Order and is continued to be so installed at such commencement shall, within 120 days of such commencement, apply in Form "A" or as near thereto, to the Textile Commissioner for the grant of a permit for the working of each such machine.

(2) On receipt of such application and after making such enquiries as he deems proper, the Textile Commissioner may grant a permit in form 'B' or as near thereto.

(3) Where any such person applies for the grant of a permit after the expiry of the time limit specified in sub-clause (1), the Textile Commissioner, if he is satisfied that such person had sufficient cause for not making the application in time, may, after making such enquiries as he deems proper and on payment by the applicant of a fee of Rs. 100 for each such machine, grant to the applicant a permit in Form 'B' or as near thereto;

Provided that no such permit shall be granted by the Textile Commissioner if the application therefor is not received by him within 180 days from the commencement of this Order.

(4) The Textile Commissioner may, for reasons to be recorded, refuse to grant a permit to any applicant and shall, in such case, furnish him with a copy of the order so passed.

4. Embroidery, knitting, lace making, or printing machine not to be acquired or installed except under a permit.—(1) No person shall after the commencement of this Order, acquire or install any embroidery machine, knitting machine, lace making machine or printing machine except under and in accordance with a permit issued in this behalf by the Textile Commissioner and no such machine in respect of which a permit has not been issued shall be worked.

(2) Any person desiring to acquire or install any such machine after such commencement may make an application to the Textile Commissioner in Form 'C' or as near thereto for the grant of a permit for such acquisition or installation.

(3) On receipt of such application and after making such enquiries as he deems proper the Textile Commissioner may grant a permit in Form 'D' or as near thereto.

(4) The Textile Commissioner may, for reasons to be recorded, refuse to grant a permit to any applicant, and shall, in such case, furnish him with a copy of the order so passed.

5. Revocation of permit.—If the Textile Commissioner is satisfied, either on a reference made to him in this behalf or otherwise that any person to whom a permit has been granted under clause 3 or clause 4 has supplied incorrect information for the purpose of obtaining such permit, he may, without prejudice to any other action which may be taken against such person under any law, after giving an opportunity to such person to be heard in the matter, revoke such permit by an order in writing:

Provided that the Textile Commissioner may, on sufficient cause being shown, cancel any such order of revocation

6. Embroidery knitting, lace making or printing machine not to be worked without valid permit.—(1) No person shall work or cause to be worked any embroidery machine, knitting machine, lace making machine or printing machine—

- (a) which was installed at any time before the commencement of this Order and is continued to be so installed at such commencement and in respect of which an application for a permit has not been made under clause 3 or having been made, the application has been rejected; or
- (b) which he is not entitled to work under clause 4; or
- (c) for which a permit having been granted under clause 3 of clause 4 has been revoked under clause 5.

(2) The Textile Commissioner may with a view to secure compliance with the provision of sub-clause (1) take action to seal the embroidery machine, knitting machine, lace making machine or printing machine, as the case may be.

7. Restriction on the disposal of embroidery knitting or printing machine.—No person shall sell or otherwise dispose of any embroidery machine, knitting machine, lace making machine or printing machine or transfer any such machine already installed from one location to another, except under the authority of an order in writing of the Textile Commissioner.

8. Textile Commissioner have regard to certain matters in granting or refusing permit, etc.—In granting or refusing a permit under clause 3 or clause 4 and in making an order under clause 7, the Textile Commissioner shall have regard to the following matters, namely:—

- (i) the number of embroidery machines, knitting machines, lace making machines or printing machines, as the case may be, already installed or working in the local area;
- (ii) Whether such machines proposed to be installed are for the production of fabrics for domestic sale or for export;
- (iii) the demand for the fabric produced by such machines; and
- (iv) the need for encouraging the production of such fabrics for export.

9. Power to enter search etc.—(1) The Textile Commissioner may, with a view to secure compliance with this Order—

- (a) require any person in possession of any embroidery machine, knitting machine, lace making machine or printing machine to give any information in respect of such machine or machines;
- (b) inspect, or cause to be inspected, any book of accounts or other documents in respect of such machine or machines belonging to or under the control of the person in possession of such machine or machines; or
- (c) enter and search any premises where any such machine or machines is or are installed and seize any such machine or machines in respect of which he has reason to believe that a contravention of this Order has been committed.

(2) Every person who is required to give any information under this clause shall comply with such requisition.

(3) The provision of Sections 102 and 103 of the code of criminal procedure 1898 (5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

10. Appeal.—Any person aggrieved by any order of the Textile Commissioner made under this Order may prefer an appeal to the Central Government within 30 days of the date of communication of such order and the decision of the Central Government thereon shall be final.

11. Delegation of powers.—The Textile Commissioner may, by general or special order, in writing and with the previous sanction of the Central Government, authorise any officer to exercise on his behalf all or any of his powers and functions under this Order.

FORM 'A'

FORM OF APPLICATION FOR PERMIT FOR THE WORKING OF AN EXISTING
EMBROIDERY MACHINE, WARP KNITTING MACHINE, LACE MAKING
MACHINE OR PRINTING MACHINE

[See Clause 3(1)]

1. Name of the applicant and his full address:
2. Name of the factory, if any, and its address (Indicate here the name in which the permit is to be issued):
3. Full particulars of the machines for which the permit is required:

Name of the machine	particulars of machines**	No. of machine
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4. Date of installation:

5. Exact location at which they have been installed.

I hereby declare that the information furnished above is true.

Date:

SIGNATURE OF THE APPLICANT

(*) Separate application is to be submitted for each type of machines.

(**) (1) For embroidery machines only width of the machine need be shown and for warp knitting, Raschael knitting and lace making machines the following particulars should be shown:

- (i) width of the machine
- (ii) No. of guide bars in the machine.
- (iii) Name of the manufacturer of the machine.

(2) For Printing machines following particulars should be shown:—

- (i) Type of machine viz. Roller printing or Screen printing machine.
- (ii) Width of the machine.
- (iii) Maximum No. of colours that can be printed.

FORM "B"

(PERMIT FOR CONTINUED WORKING OF EXISTING EMBROIDERY, WARP
KNITTING, LACE MAKING OR PRINTING MACHINE)

[See Clause 3(2)]

OFFICE OF THE TEXTILE COMMISSIONER

No. _____ Dated _____ the _____

In exercise of the powers conferred on me by sub-clause (2) of Clause 3 of the Textiles (Production by Knitting Embroidery, Lace Making and Printing Machines) Control Order, 1963 read with the Textile Commissioner's Notification No. _____ dt. _____ I hereby permit Shri/Messrs _____ to work

his/her/their existing machines specified in the schedule below at the following address:

SCHEDULE

Name of the Machine	Particulars	Number of machines
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Signature _____

Designation _____

To

Shri/Messrs _____

No. _____ Dated _____ the _____

Copy to:

- 1.
- 2.
- 3.

Signature _____

Designation _____

FORM "C"

FORM OF APPLICATION FOR ACQUISITION OR INSTALLATION OF EMBROIDERY, WARP KNITTING, LACE MAKING OR PRINTING MACHINES

[See Clause 4(2)]

1. Name of the applicant:
2. Full address of the applicant:
3. Name of the Factory:
4. Address of the factory:
5. Name of the proprietor, partners, or in the case of Companies, the names of the Directors:
6. Particulars of the machines proposed to be acquired and installed.

Name of the machine	Particulars of the machines	Number of machines
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7. Source of supply:
 8. Address of the place where the machine will be installed:
 9. Whether the applicant/factory is in possession of any machines:
 (Answer yes or no)
 10. If reply to column 9 is yes,
 (a) Particulars of the machines

Name of the machines	Particulars of the machine	Number of machines
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- (b) number and date of permits if any, against which the machines were acquired or installed.
 (c) Date of installation
 (d) Place of installation.
 11. If the unit is registered or licensed under the Industries (Development & Regulation) Act, 1951, indicate the number and date of the registration certificate or licence.
 12. The number of workers employed or proposed to be employed.
 I hereby declare that the above information is true.

Signature _____

Date: _____

FORM 'D'

FORM OF PERMIT FOR ACQUISITION OR INSTALLATION OF EMBROIDERY, WARP KNITTING, LACE MAKING OR PRINTING MACHINES

[See Clause 4(3)]

Office of the Textile Commissioner

No. _____ Dated _____ the _____

In exercise of the powers conferred on me by sub-clause 3 of clause 4 of the Textiles (Production by knitting, Embroidery, Lace making and printing machines) Control Order, 1963 read with the Textile Commissioner's Notification No. _____ dated _____ I hereby permit Shri/Smt./Messrs. _____ to acquire and install the machines noted in the schedule below at the following address:

Schedule

Name of the machine	Particulars of the machine	Number of machines
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Signature _____

Designation _____

[No. F. 2(15)/61-Control-II.]

R. DORAISWAMY,
 Textile Commissioner and,
Ex-Officio Jt. Secy.